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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

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Iowa Utilities Board)	NSD File No. L-99-96
Petition for Delegation of Additional Authority)	
to Implement Number Conservation Measures)	
for Area Codes 515 and 319 and Request for)	
Limited Waiver of the 10-digit Dialing Requirement)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996)	

COMMENTS
OF THE
UNITED STATES TELECOM ASSOCIATION

The United States Telecom Association (USTA)¹ hereby files its comments on the petition filed by the Iowa Utilities Board (Iowa) for delegation of additional authority to implement various number conservation methods and for limited waiver of the ten-digit dialing requirements in the above-captioned proceeding.² In its petition, Iowa seeks delegated authority to: (1) implement thousand block number pooling; (2) reclaim unused and reserved exchange codes; and (3) monitor the use of numbering resources. Iowa also requests a waiver of the Commission's ten-digit dialing requirement if Iowa introduces overlays with new codes.

¹ The United States Telecom Association, formerly the United States Telephone Association, is the nation's oldest trade organization for the local exchange carrier industry. USTA represents more than 1200 telecommunications companies worldwide that provide a full array of voice, data and video services over wireline and wireless networks. USTA members support the concept of universal service and are leaders in the deployment of advanced telecommunications capabilities to American and international markets.

² Public Notice, DA 99-2770, released December 10, 1999 (Public Notice).

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List A B C D E

The Iowa petition is the fifteenth request of a state filed with the Commission since February 1999 seeking similar individual state relief to deal with number shortages.³ The Commission has now granted portions of ten of the states' requests.⁴ As USTA has cautioned, other states have jumped on the bandwagon with "me too" applications, thereby creating a burden on the Commission's processes and the industry's resources. USTA believes that the industry's and the nation's first priority in these matters must be to develop and implement a nationwide, uniform system of numbering. The Commission has consistently stated that it intends to develop a nationwide, uniform system of numbering and that such a system is "essential to the efficient delivery of telecommunications services in the United States."⁵ The Commission has further recognized that the industry, the Commission, and the states should work together to develop national methods to conserve and promote efficient use of numbers, but

³ New York Department of Public Service Petition, NSD File No. L-99-21 (New York Petition); Massachusetts Department of Telecommunications and Energy Petition, NSD File No. L-99-19 (Massachusetts Petition); Maine Public Utilities Commission Petition, NSD File No. L-99-27 (Maine Petition); Florida Public Service Commission Petition, NSD File No. 99-33 (Florida Petition); Californian Public Utilities Commission and People of the State of California Petition, NSD File No. 98-136 (California Petition); Texas Public Utility Commission Petition, NSD File No. 99-55 (Texas Petition); Connecticut Department of Public Utility Control Petition, NSD File No. 99-62 (Connecticut Petition); Wisconsin Public Service Commission Petition, NSD File No. L-99-64 (Wisconsin Petition); New Hampshire Public Utilities Commission Petition, NSD File No. L-99-71 (New Hampshire Petition); the Public Utilities Commission of Ohio Petition, NSD File No. L-99-74 (Ohio Petition); Indiana Utility Regulatory Commission Petition, NSD File No. L-99-82 (Indiana Petition); Nebraska Public Service Commission Petition, NSD File No. L-99-83 (Nebraska Petition); Utah Public Service Commission Petition, NSD File No. L-99-89 (Utah Petition); and Missouri Public Service Commission Petition, NSD File No. L-99-90.

⁴ Order on New York Petition, FCC 99-247, released September 15, 1999 (New York Order); Order on Massachusetts Petition, FCC 99-246, released September 15, 1999 (Massachusetts Order); Order on Florida Petition, FCC 99-249, released September 15, 1999 (Florida Order); Order on California Petition, FCC 99-248, released September 15, 1999 (California Order); Order on Maine Petition, FCC 99-260, released September 28, 1999 (Maine Order); Order on Connecticut Petition, DA 99-2633, released November 30, 1999 (Connecticut Order); Order on New Hampshire Petition, DA 99-2634, released November 30, 1999 (New Hampshire Order); Order on Ohio Petition, DA 99-2635, released November 30, 1999 (Ohio Order); Order on Texas Petition, DA 99-2636, released November 30, 1999 (Texas Order); and Order on Wisconsin Petition, DA 99-2637, released November 30, 1999 (Wisconsin Order).

⁵ Memorandum Opinion and Order and Order on Reconsideration, *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, NSD File No. L-97-42, 13 FCC Rcd 19009 at ¶ 21 (1998).

that those attempts “cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country.”⁶

USTA believes that the Commission should adhere to its policy that orderly national numbering conservation and administration measures are essential to the optimization of the North American Numbering Plan (NANP). The Commission must not further yield to the requests by individual states to fragment and decentralize number administration. As USTA has repeatedly stated, the effects would be disastrous to number planning and conservation in this country. Such action would result in a significant loss of effectiveness of the national program and its numbering conservation and administrative policies, and the diversion of resources will delay development of effective national measures. The Commission needs to focus on these national programs and the development of orderly national measures, rather than to devote so much of its own and the industry’s resources to these individual state requests that will undermine the vital national scheme.

USTA has filed comments on each of the petitions, opposing the states’ requests for additional authority that would jeopardize the industry processes underway for comprehensive nationwide number conservation. USTA has also addressed the issue of the states’ authority to implement conservation measures on an individual basis in its comments and reply comments in response to the Commission’s Notice of Proposed Rulemaking in CC Docket No. 99-200, Numbering Resource Optimization (Notice).⁷ Notwithstanding the Commission’s partial grant of some of the states’ requests, USTA continues to oppose the grant of additional authority to individual states in contravention of the nationwide number conservation policies and procedures. To the extent that Iowa seeks additional authority that would frustrate the national

⁶ *Id.*

⁷ FCC 99-122, released June 2, 1999.

number conservation plan, USTA opposes the Iowa request for the reasons articulated in its earlier pleadings. Rather than repeat the reasons stated therein, USTA hereby incorporates by reference all of its pleadings filed in the proceedings listed in footnotes 2 and 6, *supra*.

USTA provides the following comments on some of Iowa's specific requests for authority in light of the Commission's recent actions on other states' petitions.

1. Thousand Block Number Pooling

Iowa seeks authority to implement mandatory thousand block number pooling. Number pooling has been addressed by USTA in its previous comments filed on the state petitions and the Commission's Notice of Proposed Rulemaking in CC Docket No. 99-200, which could be repeated here but are incorporated by reference. However, USTA believes that a careful analysis needs to be conducted which would show if the potential benefits of thousand block pooling are great enough to justify its implementation.

Although Iowa does not specify whether it would implement thousand block pooling trials using the software version 1.4 or version 3.0, a broad range of carriers, including ILECS, AT&T and MCI Worldcomm, have objected to additional deployment of version 1.4. The Commission should investigate the problems connected with this version and should not, in the meantime, delegate any authority that would permit any state commission to require its further deployment.

We must reiterate that the industry is working energetically to conclude development of the details of thousand block pooling that is supported by version 3.0 of the NPAC software. Pooling based on version 1.4 in Illinois has been a valuable learning experience for the industry, but it also has its problems, one of which is that it cannot support efficient data representation (EDR). The industry is not looking to this form of pooling for long term deployment. USTA

also believes that the notion that version 1.4 can be deployed quickly is incorrect. It is essential that all industry energy and activity be focused on the form of pooling to which the industry has committed for the future. For these reasons, we urge the Commission to conclude that any pooling deployment ordered pursuant to Commission authority be compliant with version 3.0.

2. Reclamation of Unused and Reserved Exchange Codes

Iowa seeks authority to reclaim unused and reserved NXX codes. In response to a complaint in the Wisconsin Petition, USTA maintained that the Commission should clarify the responsibility and authority of NANPA.⁸ We also observe that California, New York, Florida, Massachusetts, Maine, Ohio, Utah, and Missouri each requested similar relief. As we stated in our comments to the New Hampshire Petition,⁹ the Commission has uniformly responded to those requests and we believe that the form of the Commission's response is very close to what is required for a broader solution to these problems. In each case, the Commission stated, "Therefore, we grant authority to the [state] Commission...to direct the NANPA to reclaim NXXs that the [state] Commission determines have not been activated in a timely manner....We further direct the NANPA to abide by the [state] Commission's determination to reclaim an NXX code if the [state] Commission is satisfied that the code holder has not activated the code within the time specified by the CO Code Assignment Guidelines."¹⁰

In this delegation, the Commission has not authorized the state commissions to reclaim NXX codes themselves, but to direct the NANPA to reclaim codes. In the Commission's prescription, it is still the NANPA that reclaims the codes. USTA believes that if, in the first instance, the NANPA was confident of its authority and obligations, it would, on its own,

⁸ USTA Comments in Docket No. 99-200 at 6, and Reply Comments at 12, USTA Comments on the Wisconsin Petition at 4-5.

⁹ USTA Comments on the New Hampshire Petition at 6.

reclaim codes that NANPA knew were being used in any manner inconsistent with the guidelines. If those conditions were clear, and the state commission were to advise the NANPA of misuse of codes and provide support for that conclusion, we believe NANPA would reclaim the codes. If the Commission were to validate the authority and responsibility of the NANPA to act in accordance with provisions in the guidelines and require that the NANPA must consider evidence provided by regulatory commissions when making such decisions, no additional state authority would be necessary.

As it did in its comments on the Ohio Petition,¹¹ USTA recommends that the Commission affirm the authority and responsibility of the NANPA to act in accordance with provisions in the industry guidelines and that NANPA is to consider information provided by state commissions in reaching its conclusions.

3. Ten-digit Dialing Waiver

Iowa requests waiver of the Commission's ten-digit dialing requirement to the extent that it introduces an overlay in the 515 or 319 NPAs and until one or more of the NXX codes for a particular calling area is duplicated in the overlay NPA.

In its reply comments to the Commission's Notice of Proposed Rulemaking in CC Docket No. 99-200,¹² USTA urged the Commission to suspend its existing mandatory ten-digit dialing requirement for overlays as one of the five measures it should adopt on an interim basis to alleviate the states' immediate concerns regarding number depletion and to preserve the national model for number conservation. Particularly, the recommendation to temporarily waive

¹⁰ California Order at 16, New York Order at 11, Florida Order at 22, Massachusetts Order at 11, Maine Order at 9, and Ohio Order at 7.

¹¹ USTA Comments on the Ohio Petition at 5.

¹² FCC 99-122, released June 2, 1999.

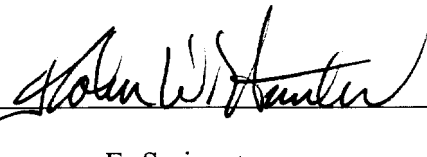
the ten-digit dialing requirement was a way to facilitate the implementation of overlays.¹³ Iowa requests relief that is consistent with this interim measure advocated by USTA and, therefore, USTA supports this aspect of the Iowa petition. USTA similarly supported a request by the Illinois Commerce Commission.¹⁴

Conclusion

USTA urges the Commission to deny Iowa's requests to implement thousand block number pooling, to reclaim unused and reserved codes, and to monitor the use of numbering resources for the reasons stated above and those in its previous comments and reply comments in CC Docket No. 99-200 and in its previous comments and reply comments to similar petitions by other states. USTA supports the Iowa request for temporary waiver of the ten-digit dialing requirements on a temporary basis.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

By  _____

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¹³ USTA Reply Comments in CC Docket No. 99-200 at 15.

¹⁴ USTA Comments on the Illinois Commerce Commission Petition, NSD No. L-99-65.

CERTIFICATE OF SERVICE

I, Meena Joshi, do certify that on January 10, 2000 Comments of the United States Telecom Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.


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